

MINUTES

NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

November 3rd, 2006
Office of the Nevada State Board of Optometry
1000 East William
Suite 109
Carson City, Nevada

Dr. Alleman asked for public comment. There was no public comment.

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 8:00 a.m. on November 3rd, 2006, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

Identifying themselves as participating were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
George Bean, Board Member

Participating and present at the Board office were:

Judi Kennedy, Executive Director
Edward J. Hanigan, Esq.
Mayenne Karelitz, M.D.

The minutes of the Board's September 22nd, 2006, meeting were presented for approval. Mr. Bean stated the meeting date on page 4 of the Minutes should be changed from

"January 26th, 2006," to "January 26th, 2007." Dr. Sutton moved the minutes be

approved as corrected. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 3. The Complaint of Eugene F. Kortman vs. Harlan K. Kopolow, O.D. and Sefir Girisgen, O.D. Noting the presence of Mr. Hanigan, counsel for Drs. Kopolow and Girisgen, Dr. Alleman welcomed him, and thanked him for attending the meeting. Dr. Alleman acknowledged receipt of the response filed by Mr. Hanigan which included pictures of the premises which are the subject of the complaint.

Dr. Alleman stated he believed the allegation of the Complaint that there was no partition or separation between the doctors' area and that of the unlicensed entity was correct. Drs. Stewart and Sutton agreed there was no partition or separation as required by statute. There ensued a discussion between Mr. Hanigan and the members which concluded with Mr. Hanigan asking what could be done to rectify the situation. The Board and Mr. Hanigan discussed a number of possible revisions that could be made to the physical setup of the offices. Mr. Hanigan his clients could prepare and submit proposed revisions to the office setup for the Board's consideration. Dr. Stewart moved the matter be continued for further consideration at the Board's next regular meeting. Dr. Sutton seconded the motion. Dr. Alleman asked for further discussion. There was no further discussion. The vote was unanimous.

Noting the presence of Dr. Karelitz, the Board moved to Agenda Item 6. Dr. Alleman thanked Dr. Karelitz for attending the meeting and asked if she wished to address the Board. Dr. Karelitz described her visit to Dr. Mitchell and enumerated her reasons for filing the Complaint against him. The Board and Dr. Karelitz discussed the reasons given by Dr. Mitchell for declining to treat Dr.

Karelitz, and the reasons Dr. Karelitz felt his decision was unreasonable. Dr. Alleman noted Dr. Karelitz, in her Complaint, had listed as a satisfactory resolution a letter of apology. Pointing out that Dr. Mitchell, with his response to the Complaint, had submitted a proposed letter of apology, Dr. Alleman asked Dr. Karelitz if that would suffice. Dr. Karelitz responded in the affirmative. Dr. Sutton moved the Complaint be dismissed based on resolution. Mr. Bean seconded the motion. Dr. Alleman asked for further discussion. There was no further discussion. The vote was unanimous.

Agenda Item 4. Complaint of Eugene F. Kortman vs. Paul Johnson, O.D., Laura Holt, O.D., and Dana Vo, O.D. The Board reviewed the Complaint and the contents of the ad that had been submitted by Mr. Kortman with his Complaint. Dr. Sutton stated the ad appeared to be a violation of the statutes and regulations pertaining to advertising by optometrists. Dr. Sutton moved a formal accusation be filed. Mr. Bean seconded the motion. Dr. Alleman asked for further discussion. During further discussion, the Board determined the doctors should be advised the accusation could be disposed of by the payment of a \$500 administrative fine, the submission of a copy of a revised, compliant ad, and a date certain when the revised ad would begin running. The vote was unanimous.

Agenda Item 5. Complaint of Eugene F. Kortman vs. Mark Ohriner, O.D. The Board reviewed the Complaint, the contents of the ad that had been submitted by Mr. Kortman with his Complaint, and the response of Dr. Ohriner. After discussion, the Board determined the ad was not compliant with the statutes and regulations pertaining to advertising by optometrists. Dr. Stewart moved a formal accusation be filed. Dr. Sutton seconded the motion. During further

discussion, the Board determined the doctors should be advised the accusation could be disposed of by the payment of a \$500 administrative fine, the submission of a copy of a revised, compliant ad, and a date certain when the revised ad would begin running. The vote was unanimous.

Agenda Item 7. Complaint of Pauline LaRae Anderson vs. Edward J. Malik, O.D. The Board discussed the allegations of the Complaint and the response filed by Dr. Malik. At the conclusion of the discussion the Board determined the Board had no jurisdiction and that the complaint would be better placed with the State agency or agencies with jurisdiction over matters of employer/ employee relations and/ or insurance issues. Dr. Stewart moved the Complaint be dismissed based on lack of jurisdiction. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 8. The Board reviewed the 2007 Board Newsletter. With typographical changes, the Board approved the Newsletter as prepared.

Dr. Sutton moved the renewal fees for the 2007-08 remain the same. Mr. Bean seconded the motion. The vote was unanimous.

Dr. Stewart moved Ms. Kennedy's attendance at the FARB Convention be approved. Mr. Bean seconded the motion. The vote was unanimous.

Dr. Alleman asked for public comment. Dr. Stewart, noting this would be Dr. Alleman's last meeting, expressed his appreciation for Dr. Alleman's service on the Board, acknowledging all the hours of time and travel it had required. Dr. Sutton, Mr. Bean, and Ms. Kennedy did likewise.

The Board set a regular meeting for January 26th, 2007, in Reno, and a

meeting via telephone conference for March 23rd, 2007.

Mr. Bean moved the meeting adjourn. Dr. Stewart seconded the motion. The vote was unanimous. The meeting adjourned at 8:59 a.m.